

REMARKS/ARGUMENTS

The Office Action of December 18, 2008 has been carefully reviewed and these remarks are responsive thereto. Claims 1, 4, 7, 8, 11, 13, 16, 18, 19, 21, and 22 have been amended, claim 17 has been canceled without prejudice or disclaimer, and new claims 23 and 24 have been added. Claims 1-16 and 18-24 thus remain pending in this application. No new matter has been introduced with these amendments. Reconsideration and allowance of the instant application are respectfully requested.

Rejections under 35 U.S.C. 103(a)

Claim 22

Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Banker (U.S. Pat. No. 5,477,262), in view of Young (U.S. Pat. No. 4,706,121), in view of Nemirofsky (U.S. Pat. No. 5,412,416), and in view of Tokumitsu (U.S. Pat. No. 4,845,662). Applicant respectfully traverses this rejection.

According to the Office Action, Nemirofsky discloses the claim 22 feature, “a first decompressor configured to decompress a video signal of the compressed packaged television programs.” Applicant respectfully submits that Nemirofsky does not disclose such a feature. The cited portion of Nemirofsky, discusses only compression of video signals and transmission of compressed video signals to a satellite. (Nemirofsky, col. 6, line 52 - col. 7, line 13). Nemirofsky does not state or suggest how such compressed video signal are decompressed or that such signals are received in a set top terminal. Indeed, Nemirofsky has no discussion of “decompression.” The other references of record also do not disclose such a feature. The only other reference to discuss decompression is Tokumitsu. However, Tokumitsu is limited only to encoding of text characters which does not relate to “compressed packaged television programs” as recited in claim 22. (Tokumitsu, Abstract, col. 1, lines 10-53). Accordingly, the Office Action has not made a prima facie case of obviousness and claim 22 is allowable over the art of record.

Claims 1-21

Claims 1-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (U.S. Pat. No. 5,410,326) in view of Banker, Young, Nemirofsky and Tokumitsu.

Claims 8-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Banker in view of Gibson (U.S. Pat. No. 5,539,871), Young, Nemirofsky and Tokumitsu.

As in claim 22, the Office Action asserts with respect to claims 1 and 8 that Nemirofsky discloses “a first decompressor configured to decompress a video signal of compressed packaged television programs.” For the same reasons discussed above with respect to claim 22, Applicant respectfully submits that Nemirofsky does not disclose such a feature and that the Office Action has not made a prima facie case of obviousness with respect to claims 1 and 8.

Further, Applicant has amended claims 1 and 8 to recite, inter alia,

“a second decompressor configured to decompress compressed program control information, wherein the program control information comprises graphical data;” (emphasis added)

Applicant respectfully asserts that the alleged combinations does not disclose the claims 1 and 8 feature, “wherein the program control information comprises graphical data.” The Office Action relies on Tokumitsu for disclosing the “second decompressor,” but Tokumitsu discloses decoding only textual information (Tokumitsu, Abstract, col. 1, lines 10-53), and not “graphical data” as recited in claim 1. Accordingly, claims 1 and 8 are allowable over the art of record.

Claims 2-7, depending on claim 1, and claims 9-16 and 18-21, depending on claim 8, are allowable for at least the reasons given above with respect to their base claims and further for their specific recitations.

For example, claim 14 recites, “wherein the submenus are displayed in a video window in a scaled-down program video format.” The Office Action takes Official Notice that it is “notoriously well known in the art at the time of the invention by applicant to simultaneously display a reduced version of a menu with a plurality of selections on the same display as video programming, wherein the menu and video programming are each scaled to cover a smaller portion of the overall display to allow both to be fully displayed to the user at the same time” Applicant disputes the Official Notice taken by the Office Action in that it was not common knowledge to display submenus in a scaled-down program video format, at least in the claimed

manner. Applicants request additional documentation supporting the Official Notice, if the rejection is to be maintained on such grounds.

New Claims

Claim 23 has been added to depend on claim 22 and to recite, “wherein the program control information comprises graphical data.” Applicant asserts new claim 23 is allowable over the art of record for at least the same reasons given above for claims 1 and 8 which recite a similar feature and for the reasons given above with respect to its base claim 22.

Claim 24 has been added to recite a method with features similar to those in claim 1. Particularly, claim 24 recites, “decompressing, with a first decompressor, a video signal of the compressed packaged television programs; decompressing, with a second decompressor, the compressed program control information, wherein the program control information comprises graphical data.” As argued above with respect to claim 22, the art of record does not disclose, at least, the claim 24 feature, “decompressing, with a first decompressor, a video signal of the compressed packaged television programs.” Further, as argued above with respect to claims 1 and 8, the art of record does not disclose, at least, the claim 24 feature, “wherein the program control information comprises graphical data.” Accordingly, new claim 24 is allowable.

CONCLUSION

All the rejections having been addressed herein, Applicant submits that the claims are in condition for allowance. The Examiner is invited to contact the undersigned attorney to expedite to advance prosecution of the application.

Respectfully submitted,

Dated this 18th of March, 2009

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